

REMARKS

Claims 1-20 are presently pending in the application. It is believed that the claims are allowable in their original form. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

Claims 1-20 stand rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 6,276,034 to Bachman. The Bachman patent and the present application are commonly assigned to The York Group, Inc.

In order for a reference to anticipate a claim under Section 102, each and every claimed element must be shown in a single reference. However, applicant respectfully submits Bachman does not disclose every feature of applicant's claims 1-20. Specifically, Bachman does not show or even suggest modules as recited in applicant's claims 1 and 8. Nowhere in Bachman is it disclosed that the sections are modules. The American Heritage Dictionary of the English Language: Fourth Edition (2000) defines module as "3. a standardized, often interchangeable component of a system or construction that is designed for easy assembly or flexible use." Thus, applicant respectfully submits that Bachman, does not show or suggest "modules" as recited by applicant. Bachman shows a slat wall display unit having category delineators to separate categories of death care merchandise. The delineators do not divide the wall into "modules" as the wall areas are not interchangeable components. Thus, Bachman fails to disclose, suggest, or otherwise render obvious applicant's invention as claimed in claim 1.

Regarding claim 2, the examiner contends the display unit of Bachman is "capable" of displaying CD, DVD, books, pamphlets, cards, literature. Applicant respectfully submits claim 2 as well as claims 1 and 3-7 are method claims requiring specific method steps to be performed. The mere contention that an apparatus of an applied reference is "capable" of performing a claimed step is

not sufficient to satisfy anticipation of a method claim under Section 102. For example, there is no specific disclosure of videotapes, audiotapes, CD and DVD in Bachman. Thus, Bachman fails to anticipate a method step requiring the display of such merchandise.

Claim 7 recites further features that are believed to even more fully distinguish over the applied art. Specifically, applicant respectfully submits the wall display of Bachman lacks a cabinet. Applicant further submits there is no suggestion to modify the slat wall display of Bachman to include a cabinet.

Regarding claims 8, 11, 17 and 18, there is no suggestion or teaching in Bachman for plastic, polymeric, or transparent shelves.

Claim 13 recites further features that are believed to even more fully distinguish over the applied art. Specifically, applicant respectfully submits that Bachman does not disclose an emblem, casket corner or angular bracket.

Further, applicant respectfully submits Bachman does not disclose a protrusion as recited in claims 14 and 17.

Still further, applicant respectfully submits that Bachman does not disclose a shelf having an aperture as claimed in claims 15, 16 and 20.


Claim 19 recites yet a further feature that is believed to even more fully distinguish over the applied art. Specifically, there is no moveable bookend section taught or suggested in Bachman.

In view of the forgoing, it is submitted that claims 1-20 are allowable over the cited reference. As such, it is respectfully requested, that upon reconsideration, the rejection of claims 1-20 be withdrawn.

It is believed that the present application is in condition for allowance and notice to such effect is respectfully requested. If the Examiner believes that a telephone interview would be beneficial to advance prosecution of the application to earlier issue, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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